

1 Marc Wolstenholme
2 5 Shetland Close
3 Coventry, England CV5 7LS
4 Telephone: 044 7827964404
5 Email: marc@mvwolf-fiction.co.uk
6 Plaintiff in Pro Per

7 UNITED STATES DISTRICT COURT
8
9 CENTRAL DISTRICT OF CALIFORNIA

10 MARC WOLSTENHOLME,
11 Plaintiff,
12 vs.
13 RIOT GAMES, INC.,
14 Defendant

CASE NO. 2:25-CV-00053-FMO-BFM HON.

Hon. Fernando M. Olguin

15 PLAINTIFF'S RESPONSE TO DEFENDANT
16 RIOT GAMES, INC.'S EX PARTE
17 APPLICATION FOR EXTENSION OF TIME
18 TO RESPOND TO PLAINTIFF'S SECOND
19 AMENDED COMPLAINT

20 Dated this: FEBRUARY 28, 2025

21 M.WOLSTENHOLME.
22 [MARC WOLSTENHOLME]
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1 **PLAINTIFF’S RESPONSE TO DEFENDANT RIOT GAMES, INC.’S EX**
2 **PARTE APPLICATION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF’S**
3 **SECOND AMENDED COMPLAINT**
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6 **I. INTRODUCTION**
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8 Plaintiff strongly opposes Defendant Riot Games, Inc.’s (“Riot”) Ex Parte
9 Application for Extension of Time to respond to the Second Amended Complaint (“SAC”).
10 Defendant’s request is yet another bad-faith delay tactic designed to obstruct, manipulate, and
11 prolong these proceedings at the Plaintiff’s expense. Riot has had ample time to prepare its
12 response and should not be granted additional time simply due to the volume of the SAC, which
13 is the natural result of the substantial evidence supporting Plaintiff’s claims. Riot also landed this
14 in the docket last thing on a Friday afternoon, 11 pm on Friday evening in the UK, having all day
15 and yesterday to have filed it, this isn’t an accident, it’s a tactic.
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1 **II. OPPOSITION TO DEFENDANT’S EX PARTE APPLICATION**

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3 *1. Riot Games is Engaging in Delay Tactics*

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6 Riot’s legal team has engaged in a continuous pattern of delay, including the
7 unnecessary prolonging of the Joint Rule 26(f) process and late-stage manipulations of the
8 report.

9
10 Plaintiff has already provided Riot with substantial portions (almost all) of the
11 SAC content and exhibits for months, yet Riot failed to meaningfully respond, deliberately
12 ignoring Plaintiff’s goodwill. They have had some of the content for years and have not acted on
13 any of it.

14
15 Instead of actually assessing the complaints, Riot’s legal team has been hell bent
16 on having the cases kicked out on legal technicalities, of which they threatened to have the case
17 kicked out from the offset.

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19 This is a deliberate ploy for time and harassment, forcing Plaintiff to repeatedly
20 reassert the same facts and arguments over and over, despite Riot’s long-standing awareness of
21 the claims and knowledge of the efficacy of the complaints, repeatedly manipulating and lying.
22

1 Riot's legal team has engaged in a continuous pattern of delay, including the
2 unnecessary prolonging of the Joint Rule 26(f) process and late-stage manipulations of the
3 report.
4

5 Plaintiff has already provided Riot with substantial portions of the SAC content
6 and exhibits for months, yet Riot failed to meaningfully respond, deliberately ignoring Plaintiff's
7 goodwill and telling him that they are filing this motion and that motion to have the case kicked
8 out before it is heard in court.
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11 *2. Riot's Legal Team Has Attempted to Manipulate Proceedings*
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13 Riot's attorneys engaged in bad-faith tactics during the Joint Rule 26(f) filing,
14 including pressuring Plaintiff late at night, making last-minute additions, and modifying content
15 without Plaintiff's review.
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18 These tactics caused severe emotional and physical distress to Plaintiff, further
19 exacerbating an already unequal playing field between an individual Plaintiff and a multi-billion-
20 dollar corporation. The Plaintiff had no sleep last night and was in and out of the doctors and
21 chemist for medication yesterday afternoon. The Plaintiff has an emergency Saturday
22 appointment tomorrow with the out of surgery doctor to get sleeping medication because of the
23 actions of Riot's legal team. And yet he can respond to this application within the hour.
24

3. Riot Already Had Access to the Majority of the SAC Content and Exhibits

Over the course of three years, Plaintiff has provided Riot with videos, story bites, comparisons, documents, PowerPoint presentations, and countless emails detailing the complaint and the infringing content, and yet they still deny access, striking similarities and independent creation, which is just about everything they can keep open at this moment.

Riot has had every opportunity to review and address these claims, yet now, at this late stage, they claim to need additional time to read material that has been in their possession for years.

Riot's claim that it needs more time due to the SAC's length is disingenuous, as Riot has had access to much of this material for several months, or even years. Even the SAC itself has been provided to Riot since it was first filed over a month ago, and they even tried to not let that happen. It hasn't changed all that much.

The request for additional time is an attempt to gain an unfair strategic advantage and to allow their insurance to kick in, not a legitimate need for review.

1 Riot's claim that it needs more time due to the SAC's length is disingenuous, as
2 Riot has had access to much of this material for several months, or even years.
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6 *4. Further Delays Will Increase the Risk of Evidence Tampering*
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8 Given Riot's track record of misleading and contradictory timelines, Plaintiff has
9 legitimate concerns that additional delays will be used to manipulate, delete, or alter evidence.
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12 Plaintiff requests immediate preservation orders to ensure that Riot does not use
13 this delay to engage in further spoliation of evidence.
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15 *5. Delaying the Proceedings Will Cause Further Harm to Plaintiff*
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18 Plaintiff is working around the clock on these cases, dedicating every available
19 hour to compiling overwhelming evidence of infringement.
20

21 The constant delays, legal pressures, and bad-faith maneuvers by Riot's legal
22 team are causing severe harm to Plaintiff's mental and physical health.
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1 The Court should not permit a well-funded corporate defendant to weaponize
2 procedural rules to exhaust an individual litigant.

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4 Moreover, they have the whole weekend to obtain more time if needed.
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7 **III. LEGAL BASIS FOR DENIAL OF RIOT’S EX PARTE APPLICATION**
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9 *A. Riot Fails to Demonstrate “Good Cause” for an Ex Parte Extension*
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12 Under Fed. R. Civ. P. 6(b), a party seeking an extension must show good cause.
13 Riot has not demonstrated good cause because:
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15 The SAC’s volume was foreseeable, given the extensive nature of the claims.
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18 Riot has had months to review evidence yet failed to engage in meaningful
19 discussions.
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22 Riot’s own conduct in the Joint Rule 26(f) proceedings contradicts any claim of
23 needing more time.
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1 *B. Ex Parte Relief is Inappropriate Due to Riot's Prior Delay Tactics*

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3 Ex parte relief is an extraordinary remedy and is not warranted where a party
4 creates its own emergency.
5

6
7 Riot had ample notice of the deadline and failed to prepare.
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9 Deliberate refusal to engage in discovery and review should not be rewarded with
10 additional time.
11

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13 *C. Granting an Extension Would Prejudice Plaintiff*
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15 Courts deny extensions where they unfairly prejudice the opposing party. Here,
16 Plaintiff will suffer severe prejudice, including:
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18 Continued obstruction of discovery and delay in relief.
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20 Increased risk of evidence manipulation or loss.
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22 Deterioration of Plaintiff's health and ability to maintain fair litigation.
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2 **IV. CONCLUSION**

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5 Riot Games' Ex Parte Application for an Extension of Time is a baseless delay
6 tactic designed to obstruct and exhaust Plaintiff. Riot has already had ample time to prepare its
7 response and cannot use procedural manipulation to further delay proceedings.
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10 Plaintiff respectfully requests that the Court DENY Riot's request for an
11 extension. If the Plaintiff believed that even a thread of truth was in the reason for the extension,
12 he would be amenable to the extension, but it's the same pattern of deceit and distraction and
13 time wasting, again and again. I believe their request isn't made in good faith.
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16 If the Court is inclined to grant any extension, Plaintiff requests that the Court
17 give the minimum days, he only had 5 days to amend the complaint. Plaintiff further requests
18 that the Court impose strict conditions, including a formal evidence preservation order and a
19 prohibition on Riot raising new procedural defenses unrelated to substantive claims.
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21 Plaintiff has had to again divert from compiling the breakdown of episode 5 of 18
22 episodes. He has a further 13 episodes to evaluate, and yet again he is detracted by Riot's tactics.
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1 **Declaration**

2 I, Marc Wolstenholme, declare under penalty of perjury under the laws of the
3 United States of America that the foregoing is true and correct to the best of my knowledge and
4 belief.
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8 Respectfully submitted,

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10 *M. WOLSTENHOLME*

11 Marc Wolstenholme

12 Plaintiff, Pro Se

13 Dated: February 28, 2025
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